

RUDOLPH L. Di TRAPANO*
JOSHUA I. BARRETT †
J. TIMOTHY DiPIERO
LONNIE C. SIMMONS
SEAN P. McGINLEY
ROBERT M. BASTRESS III

**DiTRAPANO, BARRETT, DiPIERO,
McGINLEY & SIMMONS, PLLC**

ATTORNEYS AT LAW
P.O. Box 1631

CHARLESTON, WEST VIRGINIA 25326-1631

TELEPHONE 304-342-0133
FACSIMILE 304-342-4605

www.dbdlawfirm.com

lonnie.simmons@dbdlawfirm.com

*1928-2017
†Of Counsel

October 4, 2018

RECEIVED
CLERK OF THE SENATE
DATE: 10-9-18 TIME: 10:13am
By: LC

The Honorable Lee Cassis
Clerk of the West Virginia Senate
1900 Kanawha Boulevard, East
Room M-211
State Capitol Complex
Charleston, West Virginia 25305

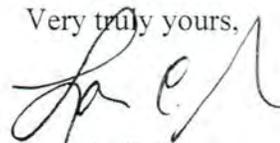
**Re: Matter of Impeachment Proceeding Against Respondent
Retired Justice Robin Davis**

Dear Clerk Cassis:

Enclosed please find the originals of **NOTICE OF WITHDRAWAL AND SUBSTITUTION** and **SUPPLEMENT TO MOTION FOR CONTINUANCE** filed today on behalf of Retired Justice Robin Davis. By separate envelopes, copies of the same have been mailed and emailed to the Board of Managers.

Please let me know if there are questions.

Very truly yours,



Lonnie C. Simmons

Enclosures

IN THE WEST VIRGINIA SENATE
SITTING AS A COURT OF IMPEACHMENT

IN THE MATTER OF IMPEACHMENT PROCEEDINGS
AGAINST RESPONDENT RETIRED JUSTICE ROBIN DAVIS

Acting Chief Justice Paul T. Farrell, Presiding Officer

NOTICE OF WITHDRAWAL AND SUBSTITUTION

Robert B. Allen and Pamela C. Deem and the firm of Kay Casto & Chaney PLLC hereby give notice that they are withdrawing as counsel for Retired Justice Robin Davis due to health issues of Mr. Allen and that J. Timothy DiPiero and Lonnie C. Simmons and the firm of DiTrapano Barrett DiPiero McGinley & Simmons PLLC should be substituted in their stead. The address for the new counsel is:

J. Timothy DiPiero, Esq.
Lonnie C. Simmons, Esq.
DiTrapano Barrett DiPiero McGinley & Simmons PLLC
604 Virginia Street, East
Charleston, W. Va. 25301
Tim.DiPiero@dbdlawfirm.com
Lonnie.Simmons@dbdlawfirm.com

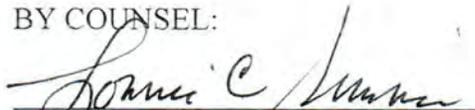
RETIRED JUSTICE ROBIN DAVIS

RESPONDENT

BY COUNSEL:



ROBERT B. ALLEN (WV Bar No. 110)
PAMELA C. DEEM (WV Bar No. 976)
KAY CASTO & CHANEY PLLC
707 Virginia Street, East, Suite 1500
Charleston, WV 25301
(304) 345-8900



J. Timothy DiPiero (WV Bar No. 1021)
Lonnie C. Simmons (WV Bar No. 3406)
DITRAPANO, BARRETT, DIPIERO,
MCGINLEY & SIMMONS, PLLC
604 Virginia Street, East
Charleston, WV 25301
(304) 342-0133

JAMES M. COLE (admitted *pro hac vice*)
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
(202) 736-8246

CERTIFICATE OF SERVICE

I, Lonnie C. Simmons, do hereby certify that the foregoing "*Notice of Withdrawal and Substitution*" has been served upon the following individuals this 4th day of October, 2018, by electronic mail and by depositing a true and exact copy thereof in the U. S. Mail, postage prepaid, as follows:

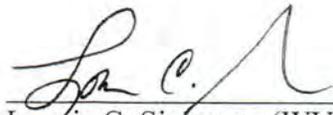
Honorable John Shott
Room 418M, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Honorable Geoff Foster
Room 214E, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Honorable Rodney Miller
Room 150R, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Honorable Ray Hollen
Room 224E, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Honorable Andrew Byrd
Room 151R, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305



Lonnie C. Simmons (WV Bar No. 3406)

IN THE WEST VIRGINIA SENATE
SITTING AS A COURT OF IMPEACHMENT

IN THE MATTER OF IMPEACHMENT PROCEEDINGS
AGAINST RESPONDENT RETIRED JUSTICE ROBIN DAVIS

APPLICATION TO JUSTICE PAUL T. FARRELL, PRESIDING OFFICER:

SUPPLEMENT TO MOTION FOR CONTINUANCE

Comes now Respondent Retired Justice Robin Davis, by counsel, pursuant to Senate Resolution 203 and respectfully supplements the **MOTION FOR CONTINUANCE** filed. The original counsel involved in representing Retired Justice Davis throughout this impeachment process has been forced to withdraw due to health issues, that required emergency surgery, which prompted today's filing of a **NOTICE OF WITHDRAWAL AND SUBSTITUTION**. While J. Timothy DiPiero and Lonnie C. Simmons have agreed to be substituted as counsel in this matter, they will require additional time to review the materials generated in this matter and to familiarize themselves with the legal issues so that they can provide effective assistance of counsel.

WHEREFORE, in addition to the reasons stated in the **MOTION FOR CONTINUANCE**, Respondent respectfully submits this recent change in counsel provides additional reasons for her impeachment trial to be rescheduled to a date after the November 6, 2018 election and that the deadline for her to file motions, provide reciprocal discovery and a witness list, make application for issuance of subpoenas and submit instructions for the trial be

extended to five days after the resolution of Chief Justice Workman's motions to dismiss and resolution of the Petition for Writ of Mandamus.

RETIRED JUSTICE ROBIN DAVIS

RESPONDENT

BY COUNSEL:



J. Timothy DiPiero (W.Va. I.D. No. 1021)
Lonnie C. Simmons (W.Va. I.D. No. 3406)
DITRAPANO, BARRETT, DIPIERO,
MCGINLEY & SIMMONS, PLLC
604 Virginia Street, East
Charleston, West Virginia 25301
(304) 342-0133

JAMES M. COLE (admitted *pro hac vice*)
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
(202) 736-8246

CERTIFICATE OF SERVICE

I, Lonnie C. Simmons, counsel for Respondent, do hereby certify that the foregoing “*Supplement To Motion for Continuance*” has been served upon the following individuals this 4th day of October, 2018, by electronic mail and by depositing a true and exact copy thereof in the U. S. Mail, postage prepaid, as follows:

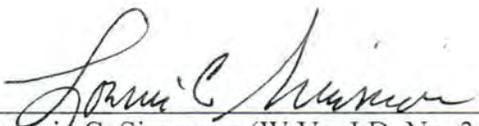
Honorable John Shott
Room 418M, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Honorable Geoff Foster
Room 214E, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Honorable Rodney Miller
Room 150R, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Honorable Ray Hollen
Room 224E, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305

Honorable Andrew Byrd
Room 151R, Building One
State Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305



Lonnie C. Simmons (W.Va. I.D. No. 3406)